



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Inventor: Estes et al.

Serial No.: 10/027,160

Title: Non-aqueous Washing Apparatus and ...

Atty. Docket No. 9793070-0439

Examiner: G. Webb

Group Unit: 1751

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PETITION TO MAKE SPECIAL UNDER 37 CFR 1.102 and MPEP 708.02(V) and (VI)

Dear Sir:

Applicants hereby petition to make special the appeal for the above case. Although no fee is believed due as the bases for the Petition does not so require one, the Commissioner is hereby authorized to credit overpayments or to charge any deficiency in a required fee to Deposit Account No. 19-3140.

The underlying invention relates to a non aqueous dry laundering machine that includes a reclamation unit. In essence, and in by no means limiting as to the scope of the invention, the machine permits users to wash fabrics in a new type of laundry machine that does not use water as the bulk fluid. At the end of the wash cycle, the dirty fluid is recovered, cleaned, and stored in various storage tanks. Accordingly, there is little to no waste. The drying cycle starts also to dry the clothes and any residual fluid that comes off the clothes is also recovered. To this end, the two bases for granting this petition to make special are under Part V - Environmental Quality and Part VI - Energy Savings.

The applicants note that this case is currently on appeal and per MPEP 1204, the applicants have concurrently filed the appeal brief.

A. MPEP 708.02(V) - Environmental Quality

This provision specifically states that inventions that relate to restoration or maintenance of life sustaining of the basic life sustaining natural elements (i.e., air, water, and soil) may be accelerated through prosecution and appeal. The essence of this invention is water savings.

Without a doubt the traditional washing machine uses a tremendous amount of water. In fact, an average traditional washing machine uses about 80 -120 liters (1 liter = 1000 ml, which means that the average consumption is 80000 to 120000 ml) of water for a normal load. The invention estimates an average use of 50 -300 ml of water per normal load. This is a 400 - 1600 time reduction in water use. In addition, when multiplied out over the number of loads per week then multiplied by the number of households, it becomes obvious that water consumption is enormous. The enormous use of water in laundry has been identified in US Patent No. 6,327,731 which states in relevant part:

Clothes washers generate a considerable quantity of gray water during a normal wash/rinse cycle. Typically, 25 to 45 gallons can be generated in a single load, which amounts to billions of gallons of gray water a week when extrapolated out to 100,000,000 households and 2 or 3 loads of laundry a week. Not only is the gray water generated and sent to the sewer or septic tank, but an equal quantity of fresh water must be supplied to the washing machine. This is a tremendous burden on water treatment facilities, public water suppliers, and the environment.

Another critical issue in clothes washers and dryers is energy costs. The vast majority of electricity costs for clothes washers is in heating water. It is likely that in the near future regulations will be placed on appliance manufacturers to minimize the energy usage of their products. Some steps have been taken, or are currently being taken, by some appliance manufacturers including a trend toward front loading, reduced water clothes washers. These systems still, however, can use up to 10-25 gallons of water per wash/rinse cycle.

In this invention, only a fraction of water may be used and thus even if this fraction of water were flushed out into the sewers, the volume would not be significant. But because this invention also includes a reclamation unit, much of the water used in the wash may be cleaned, recovered, and used again cyclically. Accordingly, the small volume of water may be used

repeatedly and recharging any lost water would not pose a significant volume hurdle. Due to some various embodiments of the invention, water may be obtained from the clothes themselves, such as when a “wet load” (such as rain soaked load, wet towels, etc. as opposed to an initial dry load) are initially placed in the machine. The water obtained could be recycled back into the system and saved.

The applicants direct the officer’s attention to applicants’ US Patent Nos. 6,451,066 and 6,045,588 (the first pages of which are attached as Exhibit 1), which discuss and/or claim various aspects of non-water laundering. These patents demonstrate some operations of the machine and fluid recovery.

Finally, the applicants note that traditional dry cleaning machines use a compound called perchloroethylene (nefariously known as “perc”) as the bulk fluid. Perc is a known environmental hazard and is a suspected carcinogen. US Patent No. 5,943,720 describes the use of perc and the impact on the environment. Because the current invention does not use perc, there is significant environmental quality savings occurring as no perc will be discharged into the environment.

The applicants believe that for the reasons stated above, the Petition to Make Special should be granted because of the significant water savings that occur. As water is a life-sustaining naturally occurring element, the invention satisfies the requirements of Part V.

B. MPEP 708.02(VI) - Energy Savings

This provision of the MPEP specifically identifies that household appliances that more efficiently conserve or utilize energy are permissible subjects for Petitions. The invention qualifies for this provision jointly and severally with the environmental savings provision because the invention relates to household appliances.

The invention is expected to use 20-30% of the energy that a traditional washer and dryer would normally use. Exhibit 2 is an energy comparison chart that shows the average energy use. The bar graph shows that the invention operates at a significant energy savings. Over 4 kwh of energy is used in typical laundry machines, with some exceeding 6 kwh. The invention is expected to use just over 2 kwh. Exhibit 3 is a Life Cycle Analysis showing energy consumption. The last solid black bar indicates the total energy consumption for water based machines. The lighter bar represents the invention energy use. Here the consumption is over 22 kwh whereas the invention uses about 6 kwh. That is about a 4 times less consumption.

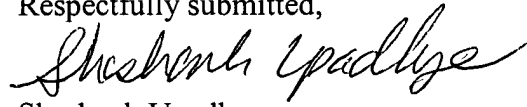
For this reason, significant energy savings are achieved and the Petition granted.

C. MPEP 1204 - Appeal Procedures

The applicants are concurrently filing the appeal brief with this Petition. The applicants have exercised diligence in prosecution. The applicants have never abandoned the application requiring any petitions to revive. The applicants have timely filed responses to office actions, with only one response requiring a one month extension of time. Otherwise, all responses were filed within the shortened statutory period. The applicants specifically note that one response was filed within 2 weeks of the office action and another was filed within 6 weeks of the office action. The applicants also requested Examiner interviews to expedite resolution of the outstanding issues.

In short, the applicants have exercised reasonable diligence in prosecution of this application and request that the Petition to Make Special through appeal be granted.

Respectfully submitted,



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